

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID ANTHONY WARREN,
Plaintiff,
v.
CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration
Defendant.

NO. CV 14-2144-RGK (MAN)

ORDER ACCEPTING FINDINGS AND
RECOMMENDATIONS OF UNITED STATES
MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint, defendant's Motion To Dismiss ("Motion") and plaintiff's Response to the Motion, all of the records herein, the Report and Recommendation of United States Magistrate Judge ("Report"), and Petitioner's Objection to the Report. Pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), the Court has conducted a *de novo* review of those portions of the Report to which objections have been stated.

Petitioner has appended to his Objection numerous exhibits, which contain documents filed in this case as well as documents that were not presented to the Magistrate Judge. A district court has discretion, but is not required, to consider evidence or arguments presented for the first time in objections to a report and recommendation. *See Brown v. Roe*, 279 F.3d 742, 744-45 (9th

1 Cir. 2002); United States v. Howell, 231 F.3d 615, 621-22 (9th Cir. 2000). The Court has
2 exercised its discretion to consider the newly-presented documents, but concludes that neither
3 such documents nor any of the other matters set forth in the Objection affect or alter the analysis
4 and conclusions set forth in the Report. For the reasons set forth in the Report, the Court lacks
5 jurisdiction over this case.

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7 Having completed its review, the Court accepts the Report and the findings of fact,
8 conclusions of law, and recommendations therein. Accordingly, IT IS ORDERED that: the Motion
9 is GRANTED; and Judgment shall be entered dismissing this action without prejudice.

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11 IT IS FURTHER ORDERED that the Clerk serve copies of this Order and the Judgment
12 herein on the parties.

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14 LET JUDGMENT BE ENTERED ACCORDINGLY.

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16 DATED: August 18, 2014


R. GARY KLAUSNER
UNITED STATES DISTRICT JUDGE

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